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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q60222

Norishige KAKUNO

Appln. No.: 09/624,224

Group Art Unit: 2624

Confirmation No.: 5390

Examiner: Thierry L. PHAM

Filed: July 24, 2000

For: PRINTER SYSTEM FLEXIBLY COMPATIBLE WITH PLURALITY OF PRINTER
CONTROL LANGUAGES (PCL) USING INTERMEDIATE AND RASTER CODES

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits
this Reply Brief in response to the Examiner's Answer dated June 6, 2005. Entry of this Reply
Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-20 are pending and are the basis of this Appeal. Claims 1-20 stand rejected.

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GROUND OF REJECTION TO BE REVIEWED ON APPEAL

As set forth in the Appeal Brief, claims 17-20 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by EP 0820004 to Suzuki et al. (“Suzuki”), and claims 1-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki in view of U.S. Patent No. 6,441,919 to Parker et al. (“Parker”).

ARGUMENT

Appellant stands by the arguments in the Argument section of its Appeal Brief as supplemented by Appellant's below response to the Examiner's Response to Argument.

Response to Examiner Arguments

The following comments are provided in the same claim order as presented by the Examiner on pages 10-14 of the Examiner's Answer.

Claim 17

In the Response to the Argument's section on page 10, the Examiner maintains that claim 17 does not recite that the "intermediate code generating means" is selected from a *plurality* of intermediate code generating means. However, as claimed, a respective intermediate code generating means corresponding to a "type" of language is "selected," and then the appropriate intermediate code is generated that is compatible with the type of language. Since the language must be determined, the language can therefore vary. Further, if an intermediate code generating means is selected based on a "type" of language, and the language can vary, then there would logically be more than one intermediate code generating means to "select."

Further, the Examiner maintains that Suzuki explicitly discloses two intermediate code generating means, i.e., Fig. 4, GRM 83 and intermediate code converting part 85 (pg. 10 of Ex. Answer). However, as set forth in col. 7, line 53 to col. 8, line 4 of Suzuki, the intermediate code conversion part 85 only receives job data including DIM code via the GRM 83. Thus, the Examiner is again maintaining that the DIM code discloses a type of language, i.e., such that the relay of the DIM code to the intermediate code conversion part 85 is a selection. However, as set

forth on page 14 of the Appeal Brief, DIM code is already a type of intermediate code and does not disclose a type of language that is determined and must then be generated into intermediate code. Thus, the intermediate code conversion part 85 of Suzuki does not teach or suggest an intermediate code generating means, which is selected based on a determination of a type of language of input print data. Therefore, Suzuki does not disclose the claimed selection of an intermediate code generating means.

The Examiner then maintains that claim 17 does not specify a “type” of language and does not support Appellant’s reference to PDL, PostScript, etc., as set forth on page 11 of the Appeal Brief (see pg. 10 of Ex. Answer). Appellant submits, however, that print data language types are well known by those skilled in the art. The specification specifically states that print control languages have been independently developed by respective print makers, and there are various types of languages such as ESC/Page, PostScript and so on (pg. 1 of specification). Accordingly, printer languages are known, and the specification provides a few non-limiting examples of well known languages. Therefore, the reference to languages on page 11 of the Appeal Brief is merely examples of well-known languages, where specific examples are provided in the specification.

The Examiner next maintains that claim 17 does not recite a *plurality* of intermediate code rasterizing means (pg. 11 of Ex. Answer). However, the selection is based on intermediate code identification information input from the intermediate code generating means, and the recitation of “selecting” implies that more than one intermediate code rasterizing means are available depending on the identification information.

Further, the Examiner again maintains that GRM 83 discloses a rasterizing means (pg. 11 of Ex. Answer). For similar reasons as set forth on page 13 of the Appeal Brief, Appellant respectfully disagrees with the Examiner's assertion. For example, on page 3 of the Examiner's Answer, the Examiner refers to col. 5, lines 35-40 of Suzuki as disclosing the selection of a rasterizing means. The cited portion discloses that controller 11 converts bit image data from PIM codes. However, the mere conversion of bit image data from PIM codes, by the controller 11, fails to teach or suggest the claimed recitation. There is no "selection of a code rasterizing means" in the mere conversion of the PIM codes disclosed by Suzuki.

Also, according to the object of distributing a processing load between a host and a printer, in Suzuki, intermediate code generation, which has been conventionally performed only in a printer, is configured to be partially performed also in a host. Meanwhile, in the non-limiting embodiments of the present invention, a printer system can be flexibly compatible with multiple and/or new languages. Accordingly, the subject matter of both inventions are completely different.

Claim 1

On page 11 of the Examiner's Answer, the Examiner now maintains that the GRM 83 and the intermediate code conversion part 85 (of Fig. 4 of Suzuki) disclose the plurality of intermediate code generators. However, for similar reasons as set forth above, Appellant respectfully disagrees.

In addition, Figure 4 of Suzuki depicts the controller 11 which is provided in the printer 3 (col. 3, lines 49-50). Thus, even if Appellant assumes *arguendo* that GRM 83 and intermediate code conversion part 85 each disclose a type of intermediate code generator, the reference still fails to teach or suggest the claimed features because the GRM 83 and the intermediate code conversion part 85 reside in the printer itself and not in a data processing device as claimed (i.e., where claim 1 separately recites both a printer and a data processing device).

On page 12 of the Examiner's Answer, the Examiner points to a brief description on page 10 of the specification of the present invention, and maintains that the data processing device is provided in the printer. However, such disclosure of the specification refers to various non-limiting embodiments and in no way narrows the scope or interpretation of claim 1. In fact, a majority of page 10 of the specification discusses the non-limiting embodiment of Figure 1, where the data processing device 31 is provided separately from the printer device 2. Claim 1 positively recites both a data processing device and a printer, rather than a printer *comprising* a data processing device, thus indicating that the units are separate from each other.

Claims 2 and 3-7

Claim 2 recites a printer that comprises a plurality of intermediate code generators, at least one being operable to generate intermediate code compatible with the print data by performing language analysis of the print data.

In the Examiner's Answer, the Examiner now maintains that GRM 83 and the intermediate code conversion unit 85 of Suzuki disclose the claimed intermediate code generators (pg. 12 of Ex. Answer). However, for analogous reasons as set forth above for claim

17, and for analogous reasons as set forth in the Appeal Brief, Appellant submits that Suzuki fails to teach or suggest the claimed features.

Appellant's comments regarding claims 3-7 (in particular claim 3), are analogous to those presented above.

Claim 8

Claim 8 recites determination means for determining the type of language of input print data, and selecting from a plurality of intermediate code generating means on the basis of the determination result.

In regard to the above features, the Examiner's comments provided on pages 12 and 13 of the Examiner's Answer are analogous to the comments provided for claim 17. Accordingly, Appellant submits that claim 8 is patentable for the reasons set forth above.

Claim 13

Claim 13 recites a data processing device to be used *in combination with* a printer. The data processing device comprises a plurality of intermediate code generating means for generating intermediate code compatible with print data by performing language analysis of the print data.

Similar to the Examiner's response regarding claim 1, the Examiner maintains that GRM 83 and intermediate code conversion part 85 of controller 11 disclose the claimed intermediate code generating means. However, for analogous reasons as set forth above, controller 11 is provided in the printer 3. There is no separate data processing device. Accordingly, even if Appellant assumes *arguendo* that GRM 83 and intermediate code conversion part 85 each

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disclose a type of intermediate code generator, the reference still fails to teach or suggest the claimed features.

On page 14 of the Examiner's Answer, the Examiner further refers to the plurality of languages. Thus, Appellant's comments in regard to such statements are analogous to the comments provided above for claim 17.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

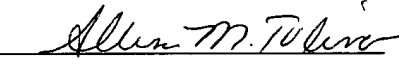
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